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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/960,197	09/21/2001	Modest Khovaylo	10010566-1	4589

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EXAMINER

SAFAIPOUR, HOUSHANG

ART UNIT PAPER NUMBER

2622

DATE MAILED: 03/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/960,197

Applicant(s)

KHOVAYLO ET AL.

Examiner

Houshang Safaipoor

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 1-10, 13-35 and 37-46 is/are rejected.
- 7) ☒ Claim(s) 11, 12 and 36 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-6, 13-16, 20-22, 27, 30-35, 37-39 and 43-46 are rejected under 35 U.S.C. 102(e) as being anticipated by Hu et al. (U.S. Patent No. 6,271,939).

Regarding claim 1, Hu et al. discloses a picture frame scanner comprising: a frame defining a display area, said frame disposed generally upright; a transparent retention pane mounted within said frame, spanning said display area; a support back spanning said display area, said support back spaced apart from and adjacent to said retention pane; and an image scanning bar operatively mounted in said frame for moving across said display area and scanning an electronic image of an item that is disposed between said support back and said retention pane into memory storage (fig. 2C, col. 4 line 36 through col. 5, line 13).

Regarding claim 2, Hu et al. discloses the picture frame scanner of claim 1 wherein said memory storage is located within said picture frame scanner (col. 4, lines 53-60).

Regarding claim 3, Hu et al. discloses the picture frame scanner of claim 1 wherein said memory storage is located on an external computer (claim 16 & col. 4, line 26-34).

Regarding claim 4, Hu et al. discloses the picture frame scanner of claim 1 wherein said scanner is selectively deployable in landscape and portrait orientations (fig. 2C).

Regarding claim 5, Hu et al. discloses the picture frame scanner of claim 4 wherein said scanner scans when deployed in either of said landscape and portrait orientations (fig. 2C).

Regarding claim 6, Hu et al. discloses the picture frame scanner of claim 4 further comprising a stand extending rearwardly from a lower corner of said frame, said stand selectively maintaining said scanner in said landscape and portrait orientations (fig. 2B).

Regarding claim 13, Hu et al. discloses the picture frame scanner of claim 1 wherein said frame, said support back and said retention pane define an item receptive slot for selective user insertion into and removal of said item from said frame between said support back and said retention pan (fig. 2C).

Regarding claim 14, Hu et al. discloses the picture frame scanner of claim 1 wherein said image scanning bar extends across said display area and comprises a light for lighting said item during scanning and a mechanism to move said bar across said display area to scan said item (fig. 2C, col. 4, lines 53-65).

Regarding claim 15, Hu et al. discloses the picture frame scanner of claim 1 further comprising a display glass mounted within said frame, spanning said display area, spaced apart from said retention pane (col. 4, lines 39-52).

Regarding claim 16, Hu et al. discloses the picture frame scanner of claim 15 wherein said image scanning bar is operatively mounted between said retention pane and said display glass (fig. 2C, bar 262).

Regarding claim 20, Hu et al. discloses the picture frame scanner of claim 1 wherein said support back comprises an electronic display panel for displaying electronic images through said retention pane when an item is not disposed between said support back and said retention pane (fig. 2C).

Regarding claim 21, Hu et al. discloses the picture frame scanner of claim 20 wherein said images are images scanned by said scanner and stored in memory disposed in said scanner (col. 4, lines 53-60).

Regarding claim 22, Hu et al. discloses the picture frame scanner of claim 20 wherein said images are stored on a computer connected to said picture frame scanner (col. 4, lines 19-65).

Regarding claim 27, Hu et al. discloses the picture frame scanner of claim 1 further comprising an input/output port (col. 4, lines 19-34).

Regarding claim 30, Hu et al. discloses the picture frame scanner of claim 1 wherein said frame comprises a hinged access portion operatively opening to receive said item to be scanned operatively closing for scanning of said item (fig. 2B).

Regarding claim 31, Hu et al. discloses the picture frame scanner of claim 1 wherein said frame is adapted to selectively receive snap fit covers (fig. 2B).

Regarding claim 32, Hu et al. discloses the picture frame scanner of claim 1 further comprising a document cover hinged to said frame, operative to cover said display area during scanning (fig. 2A).

Regarding claims 33, 34, 37, 43, 45 and 46 arguments analogous to those presented for claim 1 are applicable to claims 33, 34, 37, 42, 43, 45 and 46.

Regarding claims 35 and 44 arguments analogous to those presented for claim 22 are applicable to claims 35 and 44.

Regarding claim 38, Hu et al. discloses the method of claim 33 further comprising the step of displaying an electronic image when an item is not disposed in said frame (fig. 2C).

Regarding claim 39, Hu et al. discloses the method of claim 33 further comprising the step of: disposing said item to be scanned in said frame facing outward (fig. 2C).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-10, 17-19, 23, 24, 25, 26, 28, 29 and 40-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hu et al. (U.S. Patent No. 6,271,939).

Regarding claims 7-10, rotating electronic images is well known and routinely implemented in the art. Therefore it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to include such feature in Hu's device.

Regarding claims 17-19, treating and polarizing display glass are well known and routinely implemented in the art. Therefore it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to include such treatment in Hu's device.

Regarding claims 23 and 24, mounting controls on the scanner frame is well known and routinely implemented in the art. Therefore it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to include such feature in Hu's device.

Regarding claims 25, 26, 28 and 29, providing control buttons and supplying power to scanning and displaying devices are well known and routinely implemented in the art. Therefore it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to include such features in Hu's device.

Regarding claims 40-42, scanning devices with remote operation capabilities are well known and routinely implemented in the art. Therefore it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to include such a feature in Hu's device.

Allowable Subject Matter

Claims 11, 12 and 36 are objected to as being dependent upon a rejected base claim, but

would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Houshang Safaipoor whose telephone number is (703)306-4037. The examiner can normally be reached on Mon.-Thurs. from 6:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L Coles, Sr. can be reached on (703)305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Houshang Safaipoor
Patet Examiner
Art Unit 2622
March 4, 2005


H. SAFAIPOOR
PATENT EXAMINER
MAR 4 2005